IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6085 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BAP.5299/2007 Dated 31/08/2007
CMP.5092/2007 of J.M.F.C.-II, KOLLAM
CRIME NO.713/2007 OF KOLLAM EAST POLICE STATION]

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: PETITIONER/ACCUSED NO.3

SANKARA PANDIAN @ DURAI,
S/O SIVAGURU PANDIAN,
PILLAYAR KOVILTHERUVIL,
NADUVAYALIL, THENKASI THELKAVIL,
THIRUNELVELI.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY ITS
DIRECTOR OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007 ALONG WITH BA NOS.6096 & 6109/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.6085,6096 and 6109 of 2007

Dated this the 8th day of October 2007

O R D E R

Applications for regular bail. The petitioners are accused 3 to 7 in a crime registered for offences punishable under Sections 489 B and C of the I.P.C. All of them were arrested on 15/7/2007. They have been continuing in custody from that date. The crime was registered when the second accused attempted to pass on certain forged currency notes in a shop in the locality. The offence was reported. The police went to the house of the second accused. Her husband, the first accused was arrested. More of such counterfeit currency notes were seized. Investigation proceeded. The complicity of Accused 3 to 7 was revealed in the course of investigation. They had allegedly supplied the fake currency notes to the first accused. All the petitioners have been continuing in custody from 15/7/2007. Accused 3,4,5 and 7 had come to this court and had got themselves released suppressing an earlier order passed by this court. The bail granted to them was subsequently cancelled by

this court suo motu on coming to know of the fraudulent suppression of vital details from this court when bail was granted. They have later surrendered before the learned Magistrate and they continue in custody from that date.

2. The learned counsel for the petitioners pray, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted the full compliment of 90 days from the date of arrest of the petitioners to complete the investigation and I am satisfied that regular bail can be granted to the petitioners subject to appropriate conditions.

3. In the result, these petitions are allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order before each of them has spent 90 days of actual custody subsequent to their arrest on 15/07/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation. Needless to say that the period during which some of the petitioners enjoyed liberty on the basis of the bail order, which was subsequently cancelled shall be excluded while computing the said period of 90 days.

ii) Each of them shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays, for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007